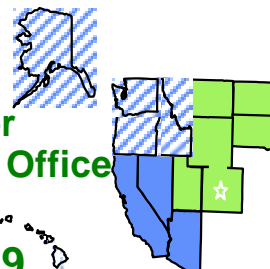


## U.S. Army Environmental Center Western Regional Environmental Office



REGION IX - DECEMBER 1999

# WESTERN REGION REVIEW

This publication provides current information on significant regulatory and legislative developments and related information in the Federal Region IX area (Arizona, California, Hawaii, and Nevada) that affect U.S. Army activities and operations. We appreciate your feedback and encourage you to submit suggestions for future discussion. Please contact us at the Western Regional Environmental Office, ATTN: SFIM-AEC-WR, Building 111, Commerce City, CO 80022-1748, commercial (303) 289-0125, DSN: 749-2125, FAX: (303) 289-0272.

### WESTERN REGIONAL REVIEWS AVAILABLE ON THE INTERNET

Current and past issues of the *WESTERN REGION REVIEW* for Regions VIII, IX, and X are available on the Internet at <http://aec-www.apgea.army.mil:8080/prod/usaec/ro/western/updates/wupdates.htm>.

### FEDERAL REGULATORY DEVELOPMENTS

**Air Quality** • Under the Significant New Alternatives Policy (SNAP) program, the U.S. Environmental Protection Agency (EPA) recently listed additional acceptable substitutes for ozone-depleting substances (ODS). The new substances include Hydrofluoroether (HFE-7200) as an alternative for CRC-11 and methyl chloroform (MCF) in all solvents cleaning end-uses. The EPA notice also includes materials or compounds that would be suitable replacements in refrigeration & air conditioning, foam blowing, and aerosol solvent end-uses. The full text of this notice can be found on the web at <http://www.epa.gov/fedrgstr/EPA-AIR/1999/December/Day-06/a31544.htm>, and for more information, please contact Kelly Davis at (202) 564-2303 or by email at [davis.kelly@epa.gov](mailto:davis.kelly@epa.gov).

**Brownfields** • On 06 December 1999, the Clinton Administration announced its intention to expand the Brownfields Showcase Communities initiative to include 10 additional U.S. cities. The Showcase Communities are eligible to receive Administration-wide assistance and coordinated technical support for environmental cleanup and economic revitalization. Over the last two years, EPA has increased the expenditures for addressing brownfield issues by more than 50 percent to over \$126 million total. The General Services Administration obligated \$1 million to fund environmental assessment on federally owned properties. For additional information on the brownfields initiative or a copy of the *Brownfields National Partnership Action Agenda Accomplishments Report* visit the EPA's web site at <http://www.epa.gov/brownfields>.

**Lead & Lead Compounds** • The comment period on the proposed rulemaking to lower the thresholds for lead and lead compounds is scheduled to end on 16 December 1999. The proposed rulemaking has been written as a follow-up to the persistent bioaccumulative toxics proposed rule that was published on 05 January of this year. Lead and lead compounds are currently subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). The proposed rule would not only lower the reporting thresholds but it would also provide for a limitation on the reporting of lead when contained in certain alloys. Written comments must be received by the EPA on or before 16 December 1999 and should be marked with the docket control number OPPTS-400140. For further information on this rulemaking please contact Daniel R. Bushman at (202) 260-3882 or by email at [bushman.daniel@epa.gov](mailto:bushman.daniel@epa.gov).

**Superfund** • The U.S. Environmental Protection Agency (EPA) recently published a public notice announcing that the agency is now accepting proposals for the Superfund Redevelopment Pilot Program until 10 March 2000. The aim of the EPA is to select pilot projects that will support local governments and promote their involvement in the decision-making process by encouraging them to assist EPA in determining future land use for Superfund sites. A full text of the notice is available on the web at <http://www.epa.gov/fedrgstr/EPA-WASTE/1999/December/Day-10/f32078.htm>, and more information is available by contacting Anne Hodge with the Office of Emergency and Remedial Response at (800) 424-9346.

**Toxic Substances** • A notice has been released by the U.S. Environmental Protection Agency (EPA) announcing the availability of data collected from public comments on the disposal of polychlorinated biphenyls (PCBs). Sample data is available on the maximum PCB concentrations found in a variety of materials, including adhesive tape, anti-fouling compounds, caulking, coal-tar enamel coatings, dried paint, fiberglass insulation, fire retardant coatings, floor wax/sealant, foam rubber insulation, plastics, roofing material, thermal insulation, and waterproofing compounds. The notice also solicits public comments on the potential risks of exposure to PCBs as well as the concentration of PCBs found in specific non-liquid PCB (NLPCB) applications. The comment submission deadline is 07 July 2000. The notice in its entirety can be viewed on the web at <http://www.epa.gov/fedrgstr/EPA-TOX/December/Day-10/t32079.htm>. Inquiries on this notice may be directed to Christine Augustyniak with the Office of Pollution Prevention & Toxics at (202) 554-1404.

**Water Quality** • The U.S. Environmental Protection Agency (EPA) recently submitted a Report to Congress, which was required according to EPA's fiscal year 2000 appropriations, prior to promulgation of the new Phase II storm water regulations. Full text of the EPA report is available on the web at <http://www.epa.gov/owm/sw/phase2>. Written comments on the new report are being accepted until close of business on 07 January 2000. For more information on the report or details on submitting comments, please contact George Utting with the Office of Wastewater Management at (202) 260-9530 or by email at [sw2@epamail.epa.gov](mailto:sw2@epamail.epa.gov).

**Water Quality** • On 08 December 1999, a final rule was issued which would expand the existing National Pollutant Discharge Elimination System (NPDES) storm water program (Phase I) to also apply to storm water discharges from small municipal separate storm sewer systems and construction sites that interfere with one and five acres. A small municipal storm sewer system is defined as one that serves less than 100,000 persons. The rule does provide for the exclusion of certain sources from the national program based upon a demonstrated lack of impact on water quality. Under the final rule, storm water discharges from industrial facilities that have "no exposure" of industrial activities or materials to storm water are also allowed an exemption. This effective date for this regulation is 07 February 2000. For more information, please contact George Utting with the Office of Wastewater Management at (202) 260-5816 or by email at [sw2@epa.gov](mailto:sw2@epa.gov).

## CONFERENCES AND SYMPOSIUMS

### Affirmative Procurement Implementation Seminar

The U.S. Army Center for Health Promotion and Preventive Medicine (CHPPM) Ground Water and Solid Waste Program is available to provide a one-day seminar on affirmative procurement at the installation or army activity level. The course is geared toward individuals in the procurement, contracting, environmental, and logistics fields. Seminar topics include: (1) affirmative procurement requirements and Executive Order 13101; (2) whom it applies to; (3) what items are included; (4) who is tracking all this and how; (5) achieving compliance -- what EPA will be looking for; (6) importance of buying recycled -- why it makes sense; (7) environmentally preferable purchasing; (8) balancing costs and benefits; (9) toxic reductions; (10) recycled content; (11) energy savings; (12) safety; (13) disposal; (14) quality of product; (15) how the FAR incorporates affirmative procurement; and (16) how to write contracts to include affirmative procurement and recycling requirements. For further information, please contact John Bauer with CHPPM at (410) 436-2024, DSN 584-2024 or by e-mail at [john.bauer@apg.amedd.army.mil](mailto:john.bauer@apg.amedd.army.mil).

**Water Reuse 2000 • San Antonio, Texas • 30 January – 02 February 2000**

The U.S. Environmental Protection Agency (EPA) is cosponsoring Water Reuse 2000 in San Antonio on 30 January-02 February 2000. Currently, the agency is soliciting abstracts to cover all aspects of water reuse, including: (1) agricultural reuse applications; (2) dual distribution system design & operation; (3) cross-connection control; (4) disinfection; (5) public outreach & education; (6) environmental enhancement through reuse; (7) health effects & risk assessment; (8) industrial reuse applications; (9) indirect potable reuse; (10) urban irrigation applications; (11) golf courses & parks; (12) regional program planning; (13) project economics, pricing, financing, rate setting & capital funding; (14) regulatory & institutional issues; (15) research projects; (16) reclaimed water treatment technologies; (17) innovative urban reuse applications; (18) toilets, car washes & graywater systems; and (19) water quality issues. For further information please contact Lynda Pumphrey at (303) 347-6203 or by email at [lpumphre@awwa.org](mailto:lpumphre@awwa.org). More information is also available on the web at <http://www.awwa.org/00reuse/call/overview/htm>.

**Pollution Prevention Operations & Management – Satellite Broadcast Course**

The Air Force Institute of Technology (AFIT) Civil Engineer & Services School is offering a 5-day Pollution Prevention Program Operations & Management course (course #ENV 022) on both 27-31 March 2000 and 17-21 July 2000. The course is designed to emphasize pollution prevention concepts such as source reduction of hazardous & toxic chemicals, solvent substitutions, reuses & recycling, process changes, and environmental awareness. Additionally, the course introduces management techniques that can be utilized to implement a sound pollution prevention program, including: (a) establishing & running the program; (b) conducting pollution prevention opportunity assessments; (c) implementing process changes to incorporate pollution prevention; (d) assessing pollution prevention program success; and (e) establishing awareness training. For further information please contact AFIT/CEA at (937) 255-2156, DSN 786-2156. Additional details on this course and others offered by the AFIT Civil Engineer & Services School can be obtained on the web at <http://cess.afit.af.mil>. Also, it is important to note that this course is only offered through satellite broadcast, and registration closes 40 days prior to the broadcast.

**HAZMAT 2000 Spills Prevention Conference • St. Louis, Missouri • 04 – 06 April 2000**

This U.S. Environmental Protection Agency (EPA) conference is being held at the Regal Riverfront Hotel in St. Louis on 04-06 April 2000. It will offer the most up-to-date information on chemical accident prevention, counter-terrorism & special event planning, risk communication, CHER-CAP, the Emergency Planning and Community Right-to-Know Act (EPCRA), integrated contingency plans, ammonia refrigeration awareness training, and CAMEO (Computer-Aided Management of Emergency Operations) training. For additional information call (703) 934-3760 or email [hazmat2000@nrt.org](mailto:hazmat2000@nrt.org). Or access more details on the web at <http://www.nrt.org/hazmat2000>.

**The UXO/Countermines Forum • Anaheim, California • 02 – 04 May 2000**

The UXO Forum and the Countermines Symposium to examine the technologies, issues, and policies surrounding the UXO/Countermines arena will be held at the Anaheim Marriot on 02-04 May 2000. Abstracts are currently being solicited on the following topics: detection, clearance, disposal, active range clearance policy, and environmental security policy. For details on submitting abstracts and additional information on the conference please call Jeff Purdy at (703) 704-2784 or by email at [TheForum@nvl.army.mil](mailto:TheForum@nvl.army.mil).

**Real World Air Conference & Exhibition • Atlanta, Georgia • 15 – 18 May 2000**

The U.S. Army Forces Command (FORSCOM) and the U.S. Army Center for Health Promotion and Preventive Medicine (CHPPM) are partnering to conduct the second Real World Air Conference on 15-18 May 2000 in Atlanta. The conference's objective is to address air pollution issues that currently affect federal facilities. For further information please contact Sherri Hutchens at (410) 436-8149 or by email at [sherri.hutchens@apg.amedd.army.mil](mailto:sherri.hutchens@apg.amedd.army.mil) or Rochelle Williams at (410) 464-7695 or by email at [willliaro@forscom.army.mil](mailto:willliaro@forscom.army.mil). Additional information on the conference can be found on the web at <http://chppm-www.apgea.army.mil/air/airconf/conf.htm>.

**ARIZONA*****Legislative Developments***

**Legislative Calendar** • The Arizona State Legislature is scheduled to reconvene in January 2000.

***Regulatory Developments***

**Air Quality • Emissions Monitoring** • Arizona's Department of Environmental Quality (DEQ) is currently considering a new rule to incorporate 40 CFR 64, the federal compliance assurance monitoring rule (CAM). In the same provision, DEQ plans to include clarifying language regarding significant revisions for Class I sources as a means of incorporating CAM in Arizona in a similar method as the rest of the U.S. Lastly, in order to ensure continued federal approval, language will be included to update the official definition of "major source." At this time, there are plans to make this rule effective by the first of the year. For additional information on this rulemaking, please contact Mark Lewandowski at (602) 207-2230.

**Air Quality • New Source Review** • Arizona's Department of Environmental Quality (DEQ) has introduced a proposal to supplement R18-2-401 with text defining "dispersion technique" in R18-2-401(4), Permit Requirements for New Major Sources. The new language is being considered in response to recent comments on the facility change rule. The Department has created a rulemaking docket; however, no schedule has been set for the rulemaking. For further information on this matter, please contact Mark Lewandowski at (602) 207-2230.

**Waste • Underground Storage Tanks** • Arizona's Department of Environmental Quality (DEQ) has proposed amendments to the state's Underground Storage Tank (UST) rules to bring Arizona into compliance with new statutory requirements. The proposed rules would establish UST release reporting and corrective action rules. In order to rectify a citation error, the proposal would also amend the sampling rules and clarify the state assurance fund rules. Written comments on the proposed rules must be received by the DEQ on or before 13 December 1999. For more information, please contact George Tsiolis at (602) 207-2257.

**Water Quality • Safe Drinking Water** • The Department of Environmental Quality's Water Quality Division is focussing rulemakings on three programs: the safe drinking water program; the proposed unified water quality permits program; and the water quality standards program.

The Department has announced the opening of a rulemaking to meet the requirements of the federal Safe Drinking Water Act (SDWA). The proposal includes the development of plans to demonstrate that new public water systems possess adequate technical, managerial, and financial capacity prior to operation. The rulemaking will include criteria that will be used to identify public water supplies most in need of improved capacity in accordance with federal statutory requirements.

The DEQ will be required to make a number of amendments to its safe drinking water program in order to adopt and comply with recent and on-going federal changes to the SDWA. These amendments will include: new rules for capacity assurance; development of state drinking water rules to implement consumer confidence reporting, the federal interim enhanced surface water treatment rule, & the phase-I disinfection by-products rule; and technical corrections to the rules that prescribe the phase II/V maximum contamination levels and their associated monitoring requirements. DEQ anticipates further rulemakings regarding new SDWA amendments in the future. These rulemakings will pertain to operator certification, unregulated contaminants, public notification, radon, arsenic, radiochemicals, filter backwash recycling, groundwater disinfection, phase-2 disinfection by-products, and sulfate. For more details on this on-going rulemaking process, please contact Steve Pawlowski at (602) 207-2227.

**Water Quality Assurance Revolving Fund** • In late November, the Arizona Department of Environmental Quality (DEQ) released the draft Water Quality Assurance Revolving Fund (WQARF)

remedy selection rule. The proposed rule outlines the process for cleaning up contaminated sites under the state's version of Superfund. More precisely, this rule prescribes the requirements for community involvement, investigation of named sites, the examination of various options for cleanup, the actual selection of a specific remedy to be utilized, and the completion of cleanup.

The rule also addresses how to conduct work at a site before a remedy plan is formally chosen and how to approach a cleanup process that is already in progress. DEQ is accepting written comments through 07 December 1999; however, this will not be the only opportunity for the public to have input on this plan. Public hearings are expected to be held sometime in February, and it is also expected that other rules will be drafted in the next month along with this one. For a copy of the language, please contact Juana Bonilla at (602) 207-4189, and for further technical details, contact Don Richey at (602) 207- 4129.

## CALIFORNIA

### *Legislative Developments*

**Legislative Calendar** • The California State Legislature is scheduled to reconvene on 03 January 2000. 10 October 1999 was the official deadline for all bills from the 1999 legislative session to either be signed or vetoed by Governor Gray Davis.

**Special Election** • In the 16 November 1999 special election, State Senator Joe Baca (D) became the newest member of the California Congressional Delegation. The election was held to fill the seat of Representative George E. Brown, Jr. (D), who unexpectedly died following heart surgery. Another special election will be held on 11 January 2000 to elect a candidate for the State Senate seat that was vacated by Baca. Assemblywoman Nell Soto (D) has already announced her candidacy.

### *Regulatory Developments*

**Air Quality • Emissions Inventory** • The California Air Resources Board (ARB) was scheduled to conduct a public hearing on 09 December 1999 to consider approval of the revised on-road motor vehicle emission inventory; however, that meeting has been postponed until 23 March 2000. The state's emissions inventory for on-road motor vehicles is an estimate of the amounts and types of pollutants emitted from all vehicles operated on California roads. The resulting calculations are used to determine the necessary reductions necessary to implement in order to comply with federal and state air quality standards. Written comments on the plan will be accepted until noon on 22 March 2000. Copies of the inventory can be obtained from the web at <http://www.arb.ca.gov/msei/msei.htm>, and further inquiries on the matter may be addressed to Mark Carlock at (626) 575-6608.

**Air Quality • Reformulated Fuels** • In March of 1999, Governor Gray Davis issued an executive order calling for the removal of methyl tertiary butyl ether (MTBE) from gasoline at the earliest possible date, but no later than 31 December 2002. The executive order also instructed the California Air Resources Board (CARB) and the State Water Resources Control Board (SWRCB) to conduct an environmental fate and transport analysis of ethanol in the state's air, surface water, and groundwater. On 09 December, CARB unanimously voted to approve the new fuel regulations designed to help refineries blend substitute additives to MTBE, most likely ethanol. This vote is the first step in removing MTBE from California fuels. Governor Davis is currently pressing the U.S. Environmental Protection Agency (EPA) to grant the state a waiver which would exempt California from the Clean Air Act provisions that require gasoline in smoggy areas to contain oxygenated compounds such as MTBE. A public hearing encompassing all these issues will be held on 18 January 2000. Written comments must be received no later than noon on 31 December 1999. More information is available at <http://www.calepa.ca.gov/programs/MTBE/EOTasks.htm> or by calling Jeanine Townsend at (916) 324-7582 or by emailing Dr. William Vance at [bvance@calepa.ca.gov](mailto:bvance@calepa.ca.gov).

**Waste • Universal Waste** • California's Department of Toxic Substances Control has recently proposed the establishment of California's Universal Waste Rule (UWR). The purposed of this plan is to adopt



specific provisions of the federal UWR, including: (1) small waste batteries; (2) waste mercury-containing thermostats; and (3) spent fluorescent lighting tubes. The rule also includes elements not found in the federal UWR. For example, no distinction will be specified between Large and Small Quantity Handlers of Universal Waste. Without a permit, off-site storage at consolidation point cannot exceed 90 days with the exception of batteries, which will be allowed a maximum of a year's time off-site storage. The proposed plan also provides the option of requiring that any given UW stream must be sent to an authorized recycling facility in order to be eligible for UW designation. Finally, the rule would limit the storage period at transfer facilities to 6 days. Lead-acid batteries, however, will continue to be regulated under the state's lead-acid batteries recycling program. The proposed regulations are available at [www.dtsc.ca.gov/txhazreg.htm](http://www.dtsc.ca.gov/txhazreg.htm). For any questions on the proposed language or further details, please contact Joan Ferber at (916) 322-6409.

**Water Quality • Non-Point Source Pollution •** The state is currently considering methods that would better address California's water pollution problems resulting from non-point sources. The State Water Resources Control Board and the California Coastal Commission recently unveiled their co-authored Plan for California Non-Point Source Pollution Control Program. The plan is comprised of a fifteen-year strategy consisting of three separate five-year courses of implementation. Consideration for formal adoption of this plan is scheduled on the agenda of a 14 December 1999 meeting. A copy of the plan can be found on the web at <http://www.swrcb.ca.gov>, and additional questions may be directed to Monica Torres at (916) 657-1132.

## HAWAII

### *Legislative Developments*

**Legislative Calendar •** The Hawaii State Legislature is scheduled to reconvene on 19 January 2000.

### *Regulatory Developments*

**Waste • Underground Storage Tanks •** Hawaii's Department of Health held public hearings regarding rules on management of underground storage tanks (USTs) throughout November and again on 01 December 1999. The proposed language's primary objective is to receive a waiver from the U.S. Environmental Protection Agency (EPA) to operate the state's UST program in lieu of the plan that is federally mandated. A copy of the proposed rules can be accessed on the web at <http://www.state.hi.us/doh/eh/shwb>. Written comments will be accepted until 06 December 1999. For any further information, please contact the Underground Storage Tank Section at (808) 586-4226.

## NEVADA

### *Legislative Developments*

**Legislative Calendar •** The Nevada State Legislature is biennial. The State's next regular legislative session is scheduled to begin in January 2001.

### *Regulatory Developments*

**Waste •** The Nevada State Environmental Commission has scheduled a public meeting on 16 December 1999 to receive public comments on four proposed rules. The four proposals include amendments to the following programs: (1) the laboratory certification program; (2) the hazardous waste regulations; (3) the solid waste & recycling regulations; and (4) the water pollution control programs. The petition regarding hazardous waste provides for the use of enforceable documents in lieu of post-closure permits, allows releases from certain regulated units to be addressed through the corrective action program, and creates a new permit for remediation wastes. The proposed language to amend the solid waste & recycling programs would establish standards for the design, operation, closure, and financial assurance of solid

waste materials recovery facilities. The proposed regulations regarding water pollution would increase the fees for municipal wastewater dischargers, reuse, industrial dischargers, water treatment plants, confined animal feed operations, fish hatcheries, biosolids reuse, septage reuse, and temporary permits. For more information on either the public meeting or the proposed regulations, please contact the State Environmental Commission at (775) 687-4670.

**Water Quality • Wetlands •** The Nevada Division of Environmental Protection (NDEP) recently announced that the Request for Proposals (RFP) for the Statewide Wetlands Investigation Project is now available. Under Section 104 statutory language of the Clean Water Act, a total of \$90,000 is available for the development of a Statewide Wetlands Investigation Project. The primary objective of this project is to increase the quality and quantity of Nevada's wetlands resources. The deadline for submitting a proposal is 07 January 2000, and the selection of a successful proposal will be made on 21 January 2000. The RFP may be downloaded from the web at <http://www.state.nv.us/ndep/bwgp/wetnrfp.htm>, and further information is available by calling (775) 687-4670.